

# MICHIGAN SUPREME COURT



## *Office of Public Information*

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FOR IMMEDIATE RELEASE

### **SIGNATURES TO INCLUDE "ELECTRONIC SIGNATURES" UNDER PROPOSAL ON MICHIGAN SUPREME COURT PUBLIC HEARING AGENDA**

**Court continues to contemplate other possible rule changes defining "court records"; public comment period for those proposals extended to September 1, 2012**

LANSING, MI, May 15, 2012 — A proposed rule that would specifically allow the use of electronic signatures on court records is on the agenda for the Michigan Supreme Court's public hearing tomorrow.

The proposed change to Michigan Court Rule 1.109(D) (ADM File No. 2006-47) defines "signature" to include "a written signature ... or an electronic signature," defined as "an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." A staff comment explains that the proposed change is intended to reflect "the use of electronic technology in the way courts process records."

The possible amendment is the only part of ADM 2006-47 that the Court will hear comments on tomorrow. For other proposed court rule changes in ADM 2006-47, the Court has extended the public comment period to September 1, 2012. Among other matters, the detailed proposal includes proposed definitions of "court records" and "public records," and has provisions that would govern access to court records. Other sections of the proposal address access and reproduction fees for public records, and record retention periods. For the complete text of the proposal and instructions for submitting comments, see [http://courts.michigan.gov/supremecourt/Resources/Administrative/2006-47\\_2011-12-21\\_order.pdf](http://courts.michigan.gov/supremecourt/Resources/Administrative/2006-47_2011-12-21_order.pdf).

The proposals for all public hearing items and their related comments are available online at <http://courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

The public hearing, which begins at 9:30 a.m., will take place in the Supreme Court courtroom on the sixth floor of the Michigan Hall of Justice in Lansing.

Also on the Supreme Court's agenda:

- ADM File No. 2006-04, proposed amendment to MCR 3.204, "Proceedings Affecting Children." The proposed revision would provide in part that "Whenever possible, all actions involving children of the same parents shall be administered together." Current rules provide that each new action for support, custody, or parenting time of the same child or a different child of the same parents must be filed as a motion or supplemental

complaint. The proposed change would eliminate the supplemental complaint requirement and allow family courts “to consolidate cases in a way that is more compatible with trial court case management systems,” according to a staff comment.

- ADM File No. 2010-31, proposed amendment to Rule 5 of the Rules for the Board of Law Examiners. The current rule requires that an out-of-state applicant who applies for admission by motion to practice law in Michigan “must ... intend in good faith to maintain an office in this state for the practice of law.” The proposed change would eliminate that requirement.
- ADM File No. 2010-32, proposed amendment of MCR 3.210, “Hearings and Trials” in domestic relations cases. The proposal, which was submitted by the Michigan Judges Association, would establish new rules for the entry of default and default judgment in domestic relation cases. The proposal would also allow a divorcing couple to offer to the court a proposed consent judgment reflecting their agreement on such issues as division of property, child and spousal support, child custody, and parenting time. The consent judgment would be subject to the court’s approval.
- ADM File No. 2010-33, proposed new MCR 3.220, “Domestic Relations Arbitration.” The proposed rule would govern arbitration in divorce cases, including allowing the trial judge to set deadlines for arbitration proceedings. The proposal also would provide for interim awards during arbitration.
- ADM File No. 2011-30, proposed amendments to MCRs 5.801, 7.102, 7.103, 7.108, and 7.109. The changes would direct all appeals from probate court decisions to the Michigan Court of Appeals. Currently, some types of probate court orders are appealed to the circuit court, while others are appealed to the Court of Appeals.
- ADM File No. 2012-05, proposed retention of the amendment to MCR 3.616. The Supreme Court will consider whether to retain MCR 3.616, which implements requirements for courts under 2011 PA 225, the Young Adult Voluntary Foster Care Act, MCL 400.641 *et seq.* The act allows foster care youths aged 18 to 21 to remain in foster care at their choice if they fulfill certain requirements, including remaining in school or working.

A free listserv provides e-mail updates on proposed and adopted court rules, and other administrative issues before the Michigan Supreme Court. To subscribe, send an e-mail to [listserv@listserv.michigan.gov](mailto:listserv@listserv.michigan.gov) with Subscribe ADMMATTERS in the message body.

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